IN THE HIGH COURT OF UTTARANCHAL AT NAINITAL

Writ Petition No. 1411 (S/S) of 2004

Mamta Goswami,
Wife of Sri Suresh Nath,
R/o Village Patyura,
Post – Barkot,
District – Champawat.

...Petitioners

Versus

1. State of Uttaranchal through Secretary Education (Basic) Civil Secretariat, Dehradun.
2. Basic Shiksha Adhikari, Champawat.
3. Head Master, Primary Vidyalaya Patyura, Champawat.
4. Gram Pradhan, Gram Panchayat Bisradi, Post – Barkot, District – Champawat.
5. Diwan Nath Goswami, S/o Sri Badri Nath, presently posted as Head Master, Primary Vidyalaya Patyura, Champawat.
6. Nirmal Nath, S/o late Dhan Nath, presently holding the office of Gram Pradhan, Gram Panchayat Bisradi, Post – Barkot, District – Champawat.

...Respondents

Sri Paresh Tripathi, learned counsel for the petitioner.
Learned Standing Counsel for the State.

Hon'ble M.M. Ghildiyal, J.

Heard Sri Paresh Tripathi learned counsel for the petitioner and learned Standing Counsel for the respondents, who has accepted the notices on behalf of respondents.

Learned counsel for both the parties are agreed that the writ petition may be decided at admission stage itself.

By means of this petition the petitioner has prayed to issue a writ in the nature of Mandamus directing the respondents to allow the petitioner to continue as Para Teacher (Shiksha Mitra) in the school and to pay her salary regularly every month together with the arrears of the same.

The contention of the petitioner is that petitioner was appointed as Para Teacher (Shiksha Mitra) in Primary Vidyalaya Patyura Champawat on 30.6.2001 and she performed her duties till June 2004. The tenure of Shiksha Mitra working in the educational year 2003-04 was extended up to 2004-05 on the same terms and conditions vide Government Order dated 17.08.2004.

Even after the extension of tenure of Para Teacher (Shiksha Mitra), the petitioner was not allowed to join and resume her duties. Thereafter, the petitioner approached the Basic Shiksha Adhikari, Champawat – respondent no. 2 and the Basic Shiksha Adhikari passed an order directing the Assistant Basic Shiksha Adhikari and respondents no. 3 and 4 to allow the petitioner to join for educational year 2004 -05 even though the petitioner is not being permitted to join.

Petitioner has submitted the representation dated 5.11.2004 before Basic Shiksha Adhikari Champawat which is still pending before him. Learned counsel for the petitioner has confined his prayer to direct the Basic Shiksha Adhikari to decide the representation of the petitioner.

In the fact and circumstances of the case, I think it just and proper to direct the Basic Shiksha Adhikari, Champawat to look into the matter and decide the representation of the petitioner keeping in view of his earlier order dated 4.10.2004 within a period of three weeks from the date of production of certified copy of this order.

With this direction the writ petition is finally disposed of.

(M.M. Ghildiyal, J.)

December 04, 2004:
S.K.Sharma